



Memorandum

TO: City Council

FROM: Mayor Ron Gonzales
Vice Mayor Cindy Chavez

SUBJECT: Public Entertainment Permit
Municipal Code Revisions

DATE: November 15, 2005

APPROVED:

DATE:

11/15/05

RECOMMENDATION

1. Approve the proposed Municipal Code Changes as an urgency ordinance to sunset at the end of 90days; and
2. Direct staff to:
 - Work with relevant stakeholders to review and develop amendments, if appropriate, to the proposed Municipal Code language.
 - Bring back proposed changes to the Municipal Code to Council for adoption prior to the sunset of this urgency ordinance.

BACKGROUND

Keeping San Jose as the safest big city in America is a top priority for all of us, and protecting the safety of visitors, businesses, employees and residents in our downtown is a critical element for this goal. Ensuring that Downtown San Jose is a vibrant, exciting, and attractive urban center and a welcome place to live, work, and play is also one of our highest priorities. These two goals are complementary, and to achieve them we must strike a proper balance to maintain public safety and to promote appropriate business opportunities in downtown.

Over the past few months, there have been a series of incidents that have raised serious concerns regarding safety in our downtown and the operations of some nightclubs and entertainment venues. These situations have highlighted the clear need to revise City policies in order to provide the necessary and effective tools for San José Police, Fire and other City departments and for downtown businesses to help protect the safety of our residents and visitors.

It is important that the Police Chief can have the ability to monitor and the authority, if necessary, to immediately suspend their public entertainment permit if they pose a serious threat to public safety. The proposed modifications to the Municipal Code relating to Title 6 permits generally, and public entertainment permits specifically, will provide staff and police with the regulatory tools they need to protect downtown visitors, especially in situations where night clubs and other entertainment venues have not taken responsibility to ensure the safety of their patrons and the public.

Approving these recommendations now also will allow the Police Department both to take the necessary steps to reduce risks to public safety during the busy holiday season while providing additional time for further outreach with various stakeholders, including downtown business and nightclub owners and community organizations. We are hopeful that this outreach, along with the direct experience we gain during the period that the urgency ordinance is in effect, will lead to constructive dialogue and possible refinements to the ordinance to address public and business concerns. These potential amendments should be included in the final Code changes to be adopted by City Council.

The holiday season is one of the busiest times of the year for downtown entertainment establishments. We need to act now to ensure that the Police Department has the tools they need to contain chronic problems that pose serious risks to the safety of downtown visitors and residents, and to continue the positive development of downtown San Jose as regional cultural and entertainment center.

COORDINATION:

This memo has been coordinated with the Police Department and City Attorney's Office.